

REMARKS

The Examiner is thanked for the due consideration given the application. A substitute Abstract is provided that is within 50-150 words.

Claims 23-44 are pending in the application. Support for the amendments to claim 1 can be found at page 14 of the specification. Claims 24-43 have been amended to improve their language in a non-narrowing fashion. Claim 44 is newly presented for consideration on the merits, and claim 44 generally corresponds to claim 23 and finds additional support at pages 14 and 19 of the specification.

The acknowledgement of the allowability of claims 32-36 and 43 is noted with appreciation.

No new matter is believed to be added to the application by this amendment.

Claims Objections

Claim 25 has been objected to as containing informalities. Claim 25 has been amended to be free of informalities.

Rejection Under 35 USC §103(a)

Claims 23-31 and 37-42 have been rejected under 35 USC §103(a) as being unpatentable over BAIADA et al. (U.S. Patent 6,721,714) in view of D'ORSO (U.S. Patent 6,114,990). This rejection is respectfully traversed.

The present invention pertains to a method of providing assistance in navigating an aircraft (99) along an *itinerary for*

the aircraft defined by itinerary data (ITI). Claim 1 of the present invention includes the steps of "calculating, on board the aircraft, a predicted trajectory (TDC) for the aircraft," "complying with the flight envelope of the aircraft," and "calculating a predicted time/date or speed for points of the predicted trajectory."

BAIADA et al. pertain to a method of managing the assets, including aircraft of an airline, but fails to disclose the claimed method of assisting (the crew) in navigating a (single) aircraft.

BAIADA et al. disclose (col. 4, lines 28-41) "management of an airline that takes into consideration... passenger's itineraries..." but fails to disclose the claimed method of assisting in navigating an aircraft "along an **itinerary for the aircraft.**"

BAIADA et al. fail to disclose calculating **on board** the aircraft, a predicted trajectory for the aircraft. Fore example, col. 11, line 64 to col. 12, line 10, of BAIADA et al. is silent regarding the place where the "unaltered trajectory" is calculated. Furthermore, implementation of the BAIADA et al. method on a personal computer (col. 19, lines 12-15) suggests that calculating and data processing takes places on the ground (see also col. 14, lines 25-28).

One of ordinary skill would not change the system of BAIADA et al. with certain characteristics of D'ORSO's predicted

trajectory since BAIADA et al. pertain to business (airline asset management), more specifically fleet management with "long term," i.e., several hours prediction (BAIADA et al. at col. 9, lines 2-5). In contrast, D'ORSO relates to assisting a pilot by drawing his attention upon dangerous obstacles using a "short term," i.e., a few seconds prediction (D'ORSO at col. 6, lines 33-41).

The "aircraft trajectory" concept of BAIADA et al. is generally defined (depicted) as a position and time (col. 5, line 65) and appears to be somewhat "four dimensional" and/or equivalent to a "scenario" (BAIADA et al. at col. 12, line 15). In contrast, trajectories T1 and T2 of D'ORSO are precisely defined as curves in a vertical plane, i.e., bi-dimensional curves, which are determined by the pitch-up limit radius R_c , the pitch-down limit radius R_p , a warning duration DR and the speed V (D'ORSO at col. 6, lines 5-61).

Thus, the term "trajectory" used in these two references clearly relates to respective concepts which are fundamentally different and can hardly be combined.

It is further submitted that neither BAIADA et al. nor D'ORSO disclose ***assistance in navigating an aircraft along an itinerary for the aircraft.***

One of ordinary skill in the art would thus not produce claim 1 of the present invention from a knowledge of the teachings of BAIADA et al. and D'ORSO. A *prima facie* case of

unpatentability has thus not been made. Claims depending upon claim 1 are patentable for at least the above reasons.

This rejection is believed to be overcome, and withdrawal thereof is respectfully requested.

Cited Art

At page 2, lines 16-17, the Official Action cites art but fails to set forth a rejection. As a result, this cited art is believed to represent conventional art that the present invention supersedes, and additional remarks are not necessary.

New Claim 44

New claim 44 as been presented for examination on the merits. It is believed that new claim 44 is instantly patentable over BAIDA et al. and D'ORSO because these references fail to disclose or suggest:

- determining whether a portion of the predicted trajectory interferes with a terrain and obstacle model, and
- displaying said portion of the predicted trajectory.

Conclusion

The Examiner is thanked for considering the Information Disclosure Statement filed October 19, 2005 after making an initialed PTO-1449 Form of record in the application.

The prior art of record in the application but not utilized is believed to be non-pertinent to the instant claims.

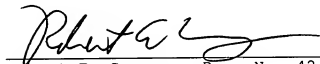
The objections and rejection are believed to be overcome, obviated or rendered moot, and that no issues remain. The

Examiner is accordingly respectfully requested to place the application in condition for allowance and to issue a Notice of Allowability.

The Commissioner is hereby authorized in this, concurrent, and future replies, to charge payment or credit any overpayment to Deposit Account No. 25-0120 for any additional fees required under 37 C.F.R. § 1.16 or under 37 C.F.R. § 1.17.

Respectfully submitted,

YOUNG & THOMPSON



Robert E. Gozner, Reg. No. 42,593
745 South 23rd Street
Arlington, VA 22202
Telephone (703) 521-2297
Telefax (703) 685-0573
(703) 979-4709

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